

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LINARES "LEE" SMITH and	)	
FREDERICK SMITH,	)	
	)	
Plaintiffs,	)	
vs.	)	CIVIL ACTION NUMBER:
	)	2:06-cv-918
	)	JURY DEMAND
BIG 10 TIRES, INC.,	)	
	)	
Defendant.	)	

**REPORT OF PARTIES PLANNING MEETING**

Come now the parties in the above-styled action and submit this Report of the Parties Planning Meeting:

1. Pursuant to Fed.R.Civ.P. 26(f) and this Court's 26(f) Order, a telephonic conference was held on January 5, 2007 and was attended by:

Rocco Calamusa, Jr. for the plaintiffs; and

William C. Tidwell, III for the defendant.

**2. Pre-Discovery Disclosures.**

The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) no later than 30 days after the 26(f) conference. Supplementation of disclosures and responses as required by Fed.R.Civ.P. 26(e) is to be accomplished at appropriate intervals and seasonably, but no later than **August 1, 2007.**

**3. Discovery Plan.**

- (a) Discovery will be needed on the following subjects:

All of plaintiff's claims and all of defendant's defenses.

- (b) All discovery will be commenced in time to be completed by September 1, 2007.
- (c) A maximum of 25 interrogatories by each party to any other party.
- (d) A maximum of 25 requests for admission by each party to any other party.
- (e) A maximum of 25 requests for production by each party to any other party.
- (f) Maximum of 10 depositions by the plaintiff and 10 depositions by the defendant. All depositions will be limited to 7 hours, unless extended by agreement of the parties.

**4. Expert Reports**

Reports from retained experts under 26(a)(2) due:

from plaintiff	June 15, 2007
from defendant	July 15, 2007

**5. Pretrial Conference**

The parties request a Pretrial Conference with the Court after November, 2007.

6. **Adding Parties and Amendments to the Pleading**

The plaintiff and defendant should be allowed until **March 30, 2007** to add additional parties and until **March 30, 2007** to amend the pleadings.

7. **Dispositive Motions**

All potentially dispositive motions shall be filed by **October 1, 2007**.

8. **Prospects for Settlement**

Settlement cannot be evaluated prior to the completion of some discovery in this case.

9. **Final Witness and Exhibit lists**

Final Witness and Exhibit Lists under Rule 26(a)(3) should be due from the parties thirty (30) days before trial. The parties shall have **15 days** after service of witness and exhibit lists to serve objections under Rule 26(a)(3).

10. **Trial Date**

This case should be ready for trial by **December 1, 2007** and at this time is expected to take 3-5 days.

Respectfully Submitted,

/s/Rocco Calamusa, Jr.

Rocco Calamusa, Jr.

Benjamin J. De Gweck

Counsel for the Plaintiff

OF COUNSEL:

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/s/William C. Tidwell

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